

UNITED STATES DISTRICT COURT

**DISTRICT OF ARIZONA
OFFICE OF THE CLERK**

RICHARD H. WEARE

DISTRICT COURT EXECUTIVE / CLERK OF COURT
SANDRA DAY O'CONNOR U. S. COURTHOUSE,
SUITE 130
401 WEST WASHINGTON STREET, SPC 1
PHOENIX, ARIZONA 85003-2118

Visit our website at www.azd.uscourts.gov

RONNIE HONEY

CHIEF DEPUTY CLERK
SANDRA DAY O'CONNOR U. S. COURTHOUSE,
SUITE 130
401 WEST WASHINGTON STREET, SPC 1
PHOENIX, ARIZONA 85003-2118

WILLIAM M. MCCOOL

CHIEF DEPUTY CLERK
EVO A. DECONCINI U.S. COURTHOUSE
405 W. CONGRESS, SUITE 1500
TUCSON, ARIZONA 85701-5010

September 11, 2007

U.S. District Court, Northern District of California
Phillip Burton United States Courthouse, 16th Fl.
450 Golden Gate Avenue
San Francisco, CA 94102-3434

FILED

SEP 14 2007

RICHARD W. WEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

CR-07-552-MJJ

Transfer of Jurisdiction,
RE: Defendant ...Erika Chavez CR 03-176 -002-PHX-FJM Tran.Ct

Dear Clerk of Court:

Enclosed are transfer documents pursuant to F.R.Crim.P. 18:3605. Documents include:

- | | |
|---|------------------|
| 1) Certified copy of docket sheet | <u> X </u> |
| 2) Consent to Transfer Case pursuant to 18:3605 | <u> X </u> |
| 3) Certified copy of indictment/charging document | <u> X </u> |
| 4) Certified copy of Judgment and Commitment | <u> X </u> |
| 5) Other: | |

Please acknowledge receipt of the enclosed documents by signing and dating the attached copy of this letter and return it to this office.

Sincerely,

RICHARD H. WEARE, DCE/CLERK

By /s/ Kathy Gerchar
Kathy Gerchar, Deputy Clerk

Enclosures

cc: Courtroom Deputy	U. S. Attorney
U. S. Probation	Defendant's Attorney
Pretrial Services	U. S. Marshal

PROB 22
(Rev. 2/88)

TRANSFER OF JURISDICTION

DOCKET NUMBER (Tran. Court)
03CR00176-002-PHX-FJM

DOCKET NUMBER (Rec. Court)

CR07-00552 MJJ

NAME AND ADDRESS OF PROBATIONER/SUPERVISED
RELEASEE:

ERIKA CHAVEZ

☒ FILED ☐ LODGED
☐ RECEIVED ☐ COPY

SEP 07 2007

CLERK U S DISTRICT COURT
DISTRICT OF ARIZONABY DEPUTY

DISTRICT

District Of Arizona

DIVISION

Phoenix

NAME OF SENTENCING JUDGE

Frederick J. Martone

DATES OF
PROBATION/SUPERVISED
RELEASE:FROM
06/17/04TO
06/16/09

OFFENSE

Conspiracy to Possess with Intent to Distribute Methamphetamine

PART 1 - ORDER TRANSFERRING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the Northern District of California upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*

August 7, 2007
Date

Frederick J. Martone
United States District Judge
Frederick J. Martone

*This sentence may be deleted in the discretion of the transferring Court.

PART 2 - ORDER ACCEPTING JURISDICTION

UNITED STATES DISTRICT COURT FOR THE Northern District of California

IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.

AUG 22 2007
Effective Date

Charles J. Smith
United States District Judge

SCANNED

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
FEB 20 2003	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
DEPUT	

SEALED

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Javier Chavez;
Counts 1 and 3

Erika Chavez, aka Avena;
Counts 1 and 3

Manuel Cardenas, aka Leyes;
Counts 1 and 2

Juan Carlos Deloera Somoza, aka
Mctheater;
Counts 1 and 2

Jose Manuel Madueno-Palacio;
Count 1

Adolfo Last Name Unknown (LNU);
Count 1

Joe Gomez;
Count 1

Defendants.

NO. **CR03-176-PHX FJM**

INDICTMENT

VIO: 21 U.S.C. §§ 841(a)(1),
841(b)(1)(A)(viii) and 846
(Conspiracy to Possess
with the Intent to Distribute
Methamphetamine)
Count 1

21 U.S.C. §§ 841(a)(1) and
841(b)(1)(A)(viii)
(Possession with the Intent to
Distribute Methamphetamine)
Count 2

18 U.S.C. § 1956(h)
(Conspiracy to Committ
Money Laundering)
Count 3

18 U.S.C. § 2
(Aiding and Abetting)
Counts 1 and 2

21 U.S.C. § 853
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT 1

Between on or about September, 2002, and continuing through on or about January, 2003, in the District of Arizona, and elsewhere, JAVIER CHAVEZ, ERIKA CHAVEZ, MANUEL CARDENAS, JUAN CARLOS DELOERA SOMOZA, JOSE MANUEL MADUENO-

①

A 202 9-5-03
1 PALICIO, ADOLFO (LNU), and JOE GOMEZ, did knowingly and intentionally combine,
2 conspire, confederate, and agree together, and with other persons, known and unknown to the
3 Grand Jury, to possess with the intent to distribute 500 grams or more of methamphetamine, its
4 salts, isomers, or salts of its isomers, a Schedule II Controlled Substance, in violation of Title
5 21, United States Code, Section 841(a)(1) and 841(b)(1)(A)(viii).

6 In violation of Title 21, United States Code, Section 846 and Title 18, United States Code,
7 Section 2.

8 **Object and Purpose of the Conspiracy**

9 The object and purpose of the conspiracy was to obtain substantial quantities of precursor
10 and other chemicals necessary for the manufacture of methamphetamine from a person, or
11 persons, employed by a hazardous waste disposal company in the District of Arizona; coordinate
12 the manufacture of methamphetamine; purchase multi-pound quantities of methamphetamine;
13 to transport or arrange for the transportation of methamphetamine to distributors in Arizona and
14 Colorado; and to collect proceeds from such sales.

15 **Manner and Means of the Conspiracy**

16 The defendants used the following manner and means, among others, to accomplish the
17 objects of the conspiracy:

18 1. The defendants obtained precursor and other chemicals, such as pseudoephedrine, red
19 phosphorous, and iodine, which are necessary for the manufacture of methamphetamine, from
20 a person, or persons, employed by Innovative Waste Utilization ("IWU"), located in Phoenix,
21 Arizona. IWU is a hazardous waste temporary storage, and disposal facility ("TSDF") that
22 disposes of previously seized methamphetamine related chemicals from clandestine
23 methamphetamine laboratories.

24 2. The IWU employee(s) illegally diverted the previously seized precursor and other
25 chemicals obtained from IWU.

26 3. The defendants coordinated the manufacture and attempted manufacture of
27 methamphetamine using precursor and other chemicals obtained from IWU.

1 4. The defendants purchased multi-pound quantities of methamphetamine in the District of
2 Arizona.

3 5. The defendants distributed methamphetamine in Arizona, Colorado, and elsewhere in the
4 United States..

5 6. The defendants used rental vehicles to transport multi-pound quantities of
6 methamphetamine to Colorado.

7 7. The defendants used telephones (including) cellular telephones to communicate with each
8 other and to arrange for the purchase, transportation, sale of methamphetamine, and to arrange
9 for the receipt of the proceeds form the sale of methamphetamine.

10 **Overt Acts in Furtherance of the Conspiracy**

11 To further the objects of the conspiracy, and to accomplish the purposes thereof, the
12 defendants committed the following overt acts, among other:

13 1. Between October 11 and October 16, 2002, MANUEL CARDENAS and JUAN
14 CARLOS DELOERA SOMOZA coordinated the attempted manufacture of approximately four
15 pounds of methamphetamine.

16 2. On October 27, 2002, ERIKA CHAVEZ rented a sport utility vehicle, bearing Arizona
17 tag 329-JYJ, from Hertz Rental Car which was rented for the purpose of transporting
18 methamphetamine from Arizona to Colorado.

19 3. On October 28, 2002, JAVIER CHAVEZ delivered methamphetamine to JOE GOMEZ's
20 residence at 1314 Cranford Place, Greeley, Colorado, 80631.

21 4. On November 5, 2002, ERIKA CHAVEZ rented a gold Ford Explorer from Hertz
22 Rental Car which was rented for the purpose of transporting methamphetamine from Arizona
23 to Colorado.

24 5. On November 6, 2002, MANUEL CARDENAS transported two pounds of
25 methamphetamine to Colorado in the gold Ford Explorer rented from Hertz Rental Car, rented
26 by ERIKA CHAVEZ.

1 6. On or about December 1, 2002, JOSE MANUEL MADUENO-PALICIO supplied the
2 Chavez Organization with methamphetamine.

3 7. On or about December 3, 2002, ERIKA CHAVEZ, aka Avena, rented a 2003 Ford
4 Explorer, gold in color, bearing Arizona tag 335-JYJ from Hertz Rental Car which was rented
5 for the purpose of transporting methamphetamine from Arizona to Colorado.

6 8. On December 4, 2002, MANUEL CARDENAS and JUAN CARLOS DELOERA
7 SOMOZA used the rented Ford Explorer, bearing Arizona tag 335-JYJ to transport
8 approximately two pounds of methamphetamine which was subsequently seized.

9 9. On or about December 4, 2002 ADOLFO LNU agreed to provide additional
10 methamphetamine to the Chavez Organization after the two pounds of methamphetamine was
11 seized from MANUEL CARDENAS and JUAN CARLOS DELOERA SOMOZA.

12 10. On or about December 4, 2002, JAVIER CHAVEZ called JOE GOMEZ, a major
13 customer of the Chavez Organization, to let JOE GOMEZ, know the two pound
14 methamphetamine delivery that was supposed to be completed by MANUEL CARDENAS and
15 would be completed by another individual.

16 **COUNT 2**

17 On or about December 4, 2002, in the District of Arizona, JUAN CARLOS DELOERA
18 SOMOZA and MANUEL CARDENAS each aiding and abetting the other, did knowingly and
19 intentionally possess with the intent to distribute 500 grams or more of methamphetamine, its
20 salts, isomers, or salts of its isomers, a Schedule II Controlled Substance.

21 In violation of Title 21, United States Code, Section 841(a)(1) and 841(b)(1)(A)(viii), Title
22 18, United States Code, Section 2.

23 **COUNT 3**

24 Beginning on or about September, 2002, and continuing up to and including January, 2003,
25 in the District of Arizona and elsewhere, JAVIER CHAVEZ, ERIKA CHAVEZ and others
26 known and unknown to the grand jury, did:

27 a. Knowingly conduct and cause others to conduct financial transactions, affecting
28

1 interstate commerce, which in fact involved the proceeds of a specified unlawful activity, that
2 is, conspiracy to possess with the intent to distribute methamphetamine as alleged in Count 1 of
3 the indictment, in violation of Title 21, United States Code, Section 846 intending to promote
4 the carrying on of the said specified unlawful activity and knowing that the property involved
5 in the financial transactions constituted proceeds of some form of unlawful activity, in violation
6 of Title 18, United States Code, Sections 1956(a)(1)(A)(i), and 2.

7 b. Knowingly conduct and cause others to conduct financial transactions, affecting
8 interstate commerce, which in fact involved the proceeds of a specified unlawful activity, that
9 is, conspiracy to possess with the intent to distribute methamphetamine as alleged in Count 1 of
10 the indictment, in violation of Title 21, United States Code, Section 846, knowing that the
11 transactions were designed in whole or in part to conceal and disguise the nature, location,
12 source, ownership and control of the proceeds of said specified unlawful activity and knowing
13 that the property in the financial transactions constituted proceeds of some form of unlawful
14 activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

15 **The Scheme, Manner and Means of the Conspiracy**

16 The conspiracy was executed in the following manner through the following means:

17 1. Beginning on or before September, 2002, JAVIER CHAVEZ led an illegal drug
18 trafficking organization involved in the large scale distribution of methamphetamine. During the
19 time of this conspiracy, CHAVEZ and one or more persons known and unknown to the Grand
20 Jury would acquire methamphetamine from sources in Arizona and California.

21 2. In order to facilitate this illegal enterprise, CHAVEZ conspired with various people to
22 store the methamphetamine, and transport the methamphetamine to others in Arizona, and
23 Colorado. The United States currency obtained in payment for this was then transported by
24 persons known and unknown to the Grand Jury to CHAVEZ and then on to the suppliers.

25 3. During the course of the conspiracy, persons known and unknown to the Grand Jury
26 would obtain assets with this currency. These assets were used to further the ongoing illegal
27 activity. Some of these assets were placed in other people's names in order to conceal and
28

1 disguise the nature, location, source, ownership and control of these assets.

2 Pursuant to, in furtherance of, and to effect the objects of this conspiracy the Defendants and
3 their co-conspirators, known and unknown to the Grand Jury, committed and caused to be
4 committed the following acts:

5 (All overt acts alleged in Count 1 of the indictment are realleged as if fully set forth below.)

6 All in violation of Title 18, United States Code, Section 1956(h).

7 **FORFEITURE ALLEGATION**

8 The Grand Jury realleges and incorporates the allegations of Counts 1 through 3 of this
9 Indictment, which is incorporated by reference herein.

10 Pursuant to Title 21, United States Code, Section 853 and Title 18, United States Code,
11 Section 982 and as a result of the offenses charged in Counts 1 and 3 of this Indictment, the
12 defendants shall forfeit to the United States of America all right, title, and interest in (1) any
13 property constituting, or derived from, any proceeds the persons obtained, directly or indirectly,
14 as the result of these offenses and (2) any of the defendants' property used, or intended to be
15 used, in any manner or part, to commit, to facilitate the commission of, such offenses, as to
16 which property the defendants are jointly and severally liable, including but not limited to the
17 following:

18 A sum equal to \$300,000.00 in U.S. currency and all interest and proceeds traceable thereto,
19 in that such sum in aggregate is property which was involved in the afore stated offenses or is
20 traceable to such property, in violation of Title 21, United States Code, Section 853.

21 If any of the above-described forfeitable property, as a result of any act or omission of the
22 defendants:

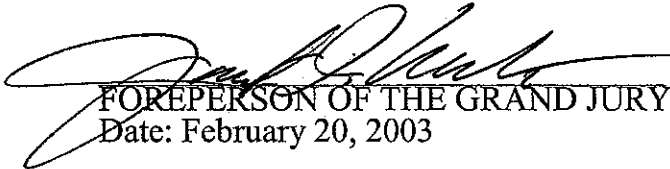
- 23 (1) Cannot be located upon the exercise of due diligence;
- 24 (2) has been transferred or sold to, or deposited with, a third party;
- 25 (3) has been placed beyond the jurisdiction of the court;
- 26 (4) has been substantially diminished in value; or
- 27 (5) has been commingled with other property which cannot be divided without

1 difficulty; it is the intent of the United States to seek forfeiture of any other property of said
2 defendants up to the value of the above-described forfeitable property, pursuant to Title 21,
3 United States Code, Section 853(p).

4 (6) In addition, a money judgment should be issued in an amount that is commensurate
5 with defendants' involvement with the Title 21, United States Code, Section 846 and Title 18,
6 United States Code, Section 1956(h) violations.

7 All pursuant to Title 21, United States Code, Section 853.

8 A TRUE BILL

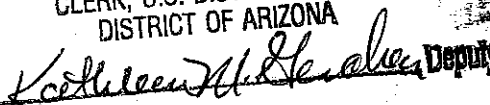
9
10 
11 FOREPERSON OF THE GRAND JURY
Date: February 20, 2003

12 PAUL K. CHARLTON
13 United States Attorney
District of Arizona

14 
15 STEVEN P. LOGAN
16 Assistant U.S. Attorney

17
18
19
20
21
22 I hereby attest and certify on 9/11/07
23 that the foregoing document is a full, true and correct
24 copy of the original on file in my office and in my cus-
25 tody.

26 CLERK, U.S. DISTRICT COURT
DISTRICT OF ARIZONA

27 By  Deputy
28

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LOC ED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COF
MAY 10 2004	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY <u> </u> CLERK	

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

United States of America

v.

Erika Chavez

Aliases: Erika Avena, Erika Avena-Chavez

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

No. CR 03-00176-002-PHX-FJM

Sean H. Bruner (Retained)
Attorney for Defendant

USM#: 80407-008 ICE#: none known

THE DEFENDANT ENTERED A PLEA OF guilty on 8/15/2003 to Count ONE of the Indictment.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 21, USC §846 and 841(a)(1) and (b)(1)(A)(viii), Conspiracy to Possess with Intent to Distribute Methamphetamine, a Class A Felony offense, as charged in Count ONE of the Indictment.

IT IS THE JUDGMENT OF THIS COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of **EIGHTEEN (18) MONTHS** on Count ONE. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **FIVE (5) YEARS** on Count ONE.

IT IS ORDERED that all remaining counts as to this defendant are dismissed on motion of the United States.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk, U.S. District Court, Attn: Finance, Suite 130, 401 West Washington St., SPC 1, Phoenix, Arizona 85003-2118, the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$100.00 FINE: \$0 RESTITUTION: \$0

The Court finds the defendant does not have the ability to pay a fine and orders the fine waived.

The total special assessment of \$100.00 shall be paid pursuant to Title 18, United States Code, Section 3013 for Count ONE of the Indictment.

All monetary penalties are due immediately or in regular monthly installments. If incarcerated, payments shall begin under the Bureau of Prisons Inmate Financial Responsibility Program. Any unpaid balance shall become a condition of supervision and shall be paid within 90 days prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address.

The Court hereby waives the imposition of interest and penalties on any unpaid balances

205

SUPERVISED RELEASE

Upon release from imprisonment, the defendant is placed on supervised release for a term of **FIVE (5) YEARS** on Count ONE.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

For offenses committed on or after September 13, 1994: The defendant shall refrain from any unlawful use of a controlled substance. Pursuant to 18 USC §3563(a)(5) and 3583(d) the defendant shall submit to one drug test within 15 days of release from imprisonment and such other periodic drug tests thereafter, as directed from time to time by the probation officer.

The defendant shall not possess a firearm, ammunition or other dangerous weapon as defined in 18 U.S.C. §921.

The defendant shall comply with the standard conditions of supervision adopted by this Court in General Order 99-9:

- 1) You shall not commit another federal, state, or local crime during the term of supervision.
- 2) You shall not leave the judicial district or other specified geographic area without the permission of the Court or probation officer.
- 3) You shall report to the Probation Office as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.
- 4) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 5) You shall support your dependents and meet other family responsibilities.
- 6) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You shall notify the probation officer at least ten days prior to any change of residence or employment.
- 8) You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. Possession of controlled substances will result in mandatory revocation of your term of supervision. If ordered by the Court to participate in a drug and/or alcohol abuse treatment program, you shall totally abstain from the use of any alcoholic beverages or other intoxicants during and after the course of your treatment.
- 9) You shall not frequent places where controlled substances are illegally sold, used, distributed or administered, or other places specified by the Court.
- 10) You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 11) You shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 12) You shall immediately notify the probation officer (within forty-eight (48) hours if during a weekend or on a holiday) of being arrested or questioned by a law enforcement officer.
- 13) You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
- 14) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notification and to confirm your compliance with such notification requirement.
- 15) You shall refrain from possessing a firearm, destructive device, or other dangerous weapon. Possession of a firearm will result in mandatory revocation of your term of supervision. This prohibition does not apply to misdemeanor cases unless special condition imposed by Court.
- 16) Unless suspended by the Court, you shall submit to one substance abuse test within the first 15 days of supervision and at least two periodic substance abuse tests thereafter, pursuant to

CR 03-00176-002-PHX-FJM
USA vs. Erika Chavez

Page 3 of 3

- 18 U.S.C. §§ 3563(a)(5) and 3583(d);
- 17) If supervision follows a term of imprisonment, you shall report in person to the Probation Office in the district to which you are released within seventy-two (72) hours of release.
 - 18) The balance of any financial obligation ordered by this Court shall be paid in regular monthly installments approved by the probation officer, the full amount to be paid 90 days prior to expiration of supervision. You will notify the probation officer of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:

1. If deported, you shall not re-enter the United States without legal authorization.

THE COURT FINDS that you have been sentenced in accordance with the terms of the plea agreement and that you have waived your right to appeal and to collaterally attack this matter. The waiver has been knowingly and voluntarily made with a factual basis and with an understanding of the consequences of the waiver.

The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.

Date of Imposition of Sentence: **Monday, May 3, 2004**


FREDERICK J. MARTONE, United States District Judge

Date May 4, 2004

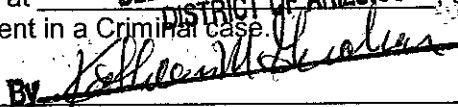
RETURN

I hereby attest and certify on 9/11/07
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my cus-
tody.

I have executed this Judgment as follows:

Defendant delivered on to at
designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal

By: 
Deputy Marshal

CC: USA/CNSL(Sean H. Bruner)/PROB(2)/PTS/FIN/JUDGE/USM(2 certified)/ICE (1
certified)/Order Book

CLOSED, DFT-SENTENCED, TRANSFER-OUT

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CRIMINAL DOCKET FOR CASE #: 2:03-cr-00176-FJM-2**

Case title: USA, et al v. Chavez, et al

Date Filed: 02/20/2003

Date Terminated: 07/14/2004

Assigned to: Judge Frederick J Martone

Defendant**Erika Chavez (2)**

TERMINATED: 07/14/2004

also known as

Avena (2)

TERMINATED: 07/14/2004

represented by **Craig Stephen Orent**

Federal Public Defender's Office

850 W Adams St

Ste 201

Phoenix, AZ 85007

602-382-2700

Fax: 602-382-2800

Email: craig_orent@fd.org

TERMINATED: 06/09/2003

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or

Community Defender Appointment

Sean H Bruner

Attorney at Law

35 E University Blvd

Tucson, AZ 85705

520-792-3200

Fax: 520-792-9441

Email: sean@bruner.net

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

21:846, 18:2 Conspiracy to Possess
with Intent to Distribute
Methamphetamine, Aid and Abet
(1)

Disposition

Dismissed upon motion of the USA

Highest Offense Level (Opening)

Felony

Terminated Counts

18:1956(h) Conspiracy to Commit
Money Laundering
(3)

Disposition

Dismissed upon motion of the USA

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition**Plaintiff**

United States of America

represented by **David A Pimsner**
US Attorney's Office
2 Renaissance Sq
40 N Central Ave
Ste 1200
Phoenix, AZ 85004-4408
602-514-7500
Fax: 602-514-7650
Email: David.Pimsner@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven Paul Logan
US Attorney's Office
2 Renaissance Sq
40 N Central Ave
Ste 1200
Phoenix, AZ 85004-4408
602-514-7500
Fax: 602-514-7537
Email: Steven.Logan@usdoj.gov
TERMINATED: 02/10/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/20/2003	1	INDICTMENT by USA attorney Steven Paul Logan. Counts filed against Javier Chavez (1) count(s) 1, 3, Erika Chavez (2) count(s) 1, 3, Manuel Cardenas (3) count(s) 1, 2, Juan Carlos Deloera Somoza (4) count(s) 1, 2, Jose Manuel Madueno-Palicio (5) count(s) 1, Adolfo (6) count(s) 1, Joe Gomez (7) count(s) 1 and Forfeiture Allegation (former emp) (Entered: 02/24/2003)

02/20/2003	3	ORDER by Mag Judge Morton Sitver granting motion to seal indictment [2-1] by USA as to all dfts, mtn to seal and this ord Case sealed (former emp) (Entered: 02/24/2003)
02/21/2003		Bench WARRANT issued for Erika Chavez ; (former emp) (Entered: 02/24/2003)
02/25/2003	4	MOTION to unseal indictment [4-1] by USA as to all dfts by USA as to Javier Chavez, Erika Chavez, Manuel Cardenas, Juan Carlos Deloera Somoza, Jose Manuel Madueno-Palicio, Adolfo, Joe Gomez (former emp) (Entered: 02/25/2003)
02/25/2003	5	ORDER by Magistrate Judge David K. Duncan granting motion to unseal indictment [4-1] by USA as to all dfts case unsealed (former emp) (Entered: 02/25/2003)
02/25/2003	8	(FILED: 2/26/03) MINUTES: before Magistrate Judge David K. Duncan . . dft arrested 2/25/03 location of custody started , first appearance of Erika Chavez ; informed of rights, charges, etc.; , dft Erika Chavez appears with counsel Craig Stephen Orent , dft Erika Chavez arraigned; not guilty plea entered; Attorney present; , ; pretrial motions due 3/12/03 for Erika Chavez ; trial set for 9:00 4/1/03 for Erika Chavez before Judge Martone; dft ordered temporarily detained; detention hrg set for 2/28/03 at 2:00 PM before Mag Judge Duncan [8-6] (former emp) (Entered: 02/26/2003)
02/26/2003	10	ORDER by Magistrate Judge David K. Duncan appointing Craig Orent counsel for Erika Chavez (former emp) (Entered: 02/26/2003)
02/26/2003	11	MOTION ex parte to temporarily seal financial afdt. [11-1] by Erika Chavez (former emp) (Entered: 02/26/2003)
02/26/2003	12	ORDER by Magistrate Judge David K. Duncan granting motion ex parte to temporarily seal financial afdt. [11-1] by Erika Chavez (former emp) (Entered: 02/26/2003)
02/26/2003	13	MOTION ex parte to permanently to seal financial afdt [13-1] by Erika Chavez (former emp) (Entered: 02/26/2003)
02/26/2003	14	ORDER by Magistrate Judge David K. Duncan granting motion ex parte to permanently to seal financial afdt [13-1] by Erika Chavez (former emp) (Entered: 02/26/2003)
02/28/2003	16	(FILED: 3/3/03) MINUTES: before Magistrate Judge David K. Duncan. Interpreter: Cristina Sporrer/Spanish. ; Detention hrg submitted. Dft Javier Chavez continued detained pending trial as a flight risk. [cc: pts,dkd] [16-2] (KMG) (Entered: 03/03/2003)
02/28/2003	17	(FILED: 3/3/03) MINUTES: before Magistrate Judge David K. Duncan. ; detention hrg submitted Dft Erika Chavez continued detained pending trial as a flight risk. [cc: pts,dkd] [17-2] (KMG) (Entered: 03/03/2003)
03/03/2003	19	ORDER of detention pending trial by Magistrate Judge David K. Duncan as to Erika Chavez re: detention [19-1] (KMG) (Entered: 03/03/2003)

03/20/2003	26	ORDER by Judge Frederick J. Martone granting motion to continue trial [20-1], granting motion for extension of time to file pretrial motions [20-2] by Javier Chavez ; pretrial motions ddl set for 5/30/03 for Javier Chavez, for Erika Chavez, for Manuel Cardenas, for Juan Carlos Deloera Somoza ; trial set for 9:00 7/1/03 for Javier Chavez, for Erika Chavez, for Manuel Cardenas, for Juan Carlos Deloera Somoza , excludable delay int of justice started (former emp) (Entered: 03/20/2003)
03/21/2003	29	(FILED: 3/24/03) MINUTES: before Mag Judge Lawrence O. Anderson . . status hrg re detention hrg held; dft ord temporarily detained , ; detention hearing set for 9:15 3/27/03 for Manuel Cardenas , before Mag Judge Virginia A. Mathis [29-4] (former emp) (Entered: 03/24/2003)
03/21/2003	30	(FILED: 3/24/03) MINUTES: before Mag Judge Lawrence O. Anderson . . oral argument re detention held; Juan Carlos Deloera Somoza contd detained pending trial [30-1] re: [30-1] (former emp) (Entered: 03/24/2003)
03/27/2003	40	NOTICE issued ; arraignment set for 10:45 4/9/03 for Joe Gomez before Mag Judge Morton Sitver (former emp) (Entered: 03/27/2003)
04/08/2003	43	ORDER by Judge Frederick J. Martone granting motion ex parte for expenses of interpreter funds [42-1] by Manuel Cardenas; approving funds for 8 one-half days at rate of \$178 per half-day, total amt not to exceed \$1,424 (former emp) (Entered: 04/08/2003)
05/16/2003	48	MOTION to substitute attorney (Sean Bruner/ret for Craig Orent) [48-1] by Erika Chavez (former emp) (Entered: 05/19/2003)
05/29/2003	50	ORDER by Judge Frederick J. Martone striking motion to reveal government informant [49-1] by Juan Carlos Deloera Somoza pro se; ORD Clk of Crt shall send copy of mtn to cnsl of record for dft (former emp) (Entered: 05/29/2003)
06/04/2003	62	MEMORANDUM (addendum) by Erika Chavez in support of motion to substitute attorney (Sean Bruner/ret for Craig Orent) [48-1] by Erika Chavez (former emp) (Entered: 06/04/2003)
06/09/2003	63	ORDER by Judge Frederick J. Martone granting motion to substitute attorney (Sean Bruner/ret for Craig Orent) [48-1] by Erika Chavez ; withdrawing attorney Craig Stephen Orent for Erika Chavez ; Sean H Bruner substituted (KMG) (Entered: 06/09/2003)
06/10/2003	64	ORDER by Judge Frederick J. Martone granting motion for declaration of complexity [53-1] by Joe Gomez; this matter is designated a complex case (former emp) (Entered: 06/10/2003)
06/10/2003	65	ORDER by Judge Frederick J. Martone granting motion to continue trial [52-1], granting motion for extension of time to file pretrial motions [52-2] by Joe Gomez ; pretrial motions ddl set for 8/15/03 for Javier Chavez, for Erika Chavez, for Manuel Cardenas, for Juan Carlos Deloera Somoza, for Joe Gomez ; trial set for 9:30 10/7/03 for Javier Chavez, for Erika

		Chavez, for Manuel Cardenas, for Juan Carlos Deloera Somoza, for Joe Gomez status hearing set for 4:30 9/15/03 for Javier Chavez, for Erika Chavez, for Manuel Cardenas, for Juan Carlos Deloera Somoza, for Joe Gomez dfts are not required to be present at hrg, excludable delay int of justice started (former emp) (Entered: 06/10/2003)
06/12/2003	66	NOTICE re first bill of particulars regarding forfeiture by pla USA as to dft Javier Chavez, dft Erika Chavez, dft Manuel Cardenas, dft Juan Carlos Deloera Somoza, dft Jose Manuel Madueno-Palicio, dft Adolfo, dft Joe Gomez (LCF) (Entered: 06/13/2003)
07/08/2003	77	NOTICE re govt's first bill of particulars regarding forfeiture by pla USA as to dft Erika Chavez (LCF) (Entered: 07/09/2003)
07/11/2003	78	ORDER by Judge Frederick J. Martone on crt's own mtn striking motion (pro se) to Suppress Evidence Upon Lack of Reasonable Suspicion to Stop the Defendant [76-1] by Juan Carlos Deloera Somoza; ORD Clk of Crt send a copy of mtn to suppress evidence to cnsl of record (former emp) (Entered: 07/11/2003)
07/16/2003	79	ORDER by Judge Frederick J. Martone granting motion for disclosure of confidential informants [54-1] by Joe Gomez, granting motion req for ntc of intent to call expert witnesses and discovery purs to Rule 16(a)(1)(D) and (E) FRCrP [58-1] by Joe Gomez, ORD if gov changes its mind and chooses to introduce expert testimony it shall give dft ntc and comply w/dft's req at least 60 days before trial; denying as moot motion req for order for ntc by gov of intent to introduce evidence purs to Rule 807 FRE [59-1] by Joe Gomez, denying as moot motion to disclose and produce Brady (exculpatory) material [57-1] by Joe Gomez, denying as moot motion for disclosure of purs to Rules 404(B) and 609 FRE [56-1] by Joe Gomez, denying as moot motion for preservation of tapes and notes [55-1] by Joe Gomez, denying as moot motion for disclosure of evidence favorable to dft [51-1] by Joe Gomez (former emp) (Entered: 07/16/2003)
07/17/2003	80	MINUTE ORDER ; possible chg of plea hearing set for 1:15 8/15/03 for Erika Chavez , before Magistrate Judge David K. Duncan [80-3] (former emp) (Entered: 07/17/2003)
08/15/2003	86	ORDER by Judge Frederick J. Martone and consent of Erika Chavez for referral to Magistrate Judge for change of plea. (KMG) (Entered: 08/18/2003)
08/18/2003	88	ORDER by Magistrate Judge David K. Duncan of the Findings and Recommendation upon a plea of guilty as to Erika Chavez (KMG) (Entered: 08/18/2003)
08/19/2003	91	ORDER by Judge Rosenblatt for Judge Frederick J. Martone granting motion to continue pretrial motion filing deadline [89-1] by Manuel Cardenas ; pretrial motions ddl set for 8/29/03 for Manuel Cardenas (former emp) (Entered: 08/19/2003)
08/20/2003		Pro Hac Vice \$25 Fee Paid as to Brett Davies (BAS) (Entered: 08/20/2003)

		08/20/2003)
08/27/2003	93	ORDER by Judge Frederick J. Martone granting motion for extension of time to file pretrial motions [90-1] by Javier Chavez ; pretrial motions ddl set for 9/15/03 for Javier Chavez, for Manuel Cardenas, for Juan Carlos Deloera Somoza, for Joe Gomez (former emp) (Entered: 08/27/2003)
09/09/2003		Pro Hac Vice \$25 Fee Paid as to Joseph Shemaria (BAS) (Entered: 09/09/2003)
09/09/2003	101	ORDER by Judge Frederick J. Martone granting motion for special appearance (pro hac vice) of attorney Joseph Shemaria [97-1] by Joe Gomez, granting motion to substitute attorney Joseph Shemaria for Brett J Davies [95-1] by Joe Gomez ; granting motion for withdrawal of attorney Brett Davies [85-1] by Joe Gomez ; granting motion for special appearance pro hac vice of attorney Brett Davies [45-1] by Joe Gomez nunc pro tunc (former emp) (Entered: 09/09/2003)
09/10/2003	103	MINUTE ORDER ; possible chg of plea hearing set for 1:30 10/1/03 for Manuel Cardenas , before Magistrate Judge David K. Duncan [103-3] (former emp) (Entered: 09/10/2003)
09/10/2003	104	(FILED: 9/11/03) MINUTES: before Mag Judge Virginia A. Mathis . Interpreter: Lita VanDuzer/Spanish. detention hrg submitted; dft contd detained pending trial as to Jesus Manuel Madueno-Palicio [104-2] (former emp) (Entered: 09/11/2003)
09/16/2003	108	MINUTE ORDER ; sentencing reset for 1:30 10/23/03 for Erika Chavez before Judge Martone [108-2] (former emp) (Entered: 09/16/2003)
10/20/2003	116	ORDER by Magistrate Judge David K. Duncan granting motion to modify conditions of release to delete requirement of electronic monitoring, enlarge scope of permissible travel to meet w/cnsl [115-1] by Joe Gomez; travel restriction is modified to allow dft to travel to Las Vegas NV, Phoenix AZ and/or Los Angeles CA solely to confer w/his atty of record, Joseph Shemaria or his duly designed associate atty (former emp) (Entered: 10/20/2003)
11/13/2003	117	MINUTE ORDER ; possible chg of plea hearing set for 1:30 11/25/03 for Jose Manuel Madueno-Palacio , before Magistrate Judge David K. Duncan [117-3] (former emp) (Entered: 11/13/2003)
11/14/2003	118	ORDER by Judge Frederick J. Martone on req of USPO sentencing reset for 1:30 1/5/04 for Manuel Cardenas (former emp) (Entered: 11/14/2003)
11/19/2003	121	MINUTE ORDER ; possible chg of plea hearing reset for 1:30 12/2/03 for Jose Manuel Madueno-Palacio , before Magistrate Judge David K. Duncan [121-3] (former emp) (Entered: 11/19/2003)
11/20/2003	122	NOTICE of Joinder joining motion to suppress all evidence obtained directly or indirectly as a result of wiretaps ord 10/9/02 and exts thereof (evidentiary hrg req) [120-1] by Joe Gomez, motion to suppress evidence (evidentiary hrg req) [119-1] by Juan Carlos Deloera Somoza (former emp) (Entered: 11/24/2003)

11/24/2003	123	MINUTE ORDER all cnsl shall appear at; status hearing set for 4:30 12/15/03 for Javier Chavez, for Juan Carlos Deloera Somoza, for Joe Gomez before Judge Martone; cnsl req to attend hrg unless a plea hrg is set or mtn to cont trial has been granted [123-2] (former emp) (Entered: 11/24/2003)
12/04/2003	130	ORDER by Judge Frederick J. Martone granting motion stipulation to substitute attorney Jose L Mendoza in place of Phil Noland [125-1] by Jose Manuel Madueno-Palacio ; withdrawing attorney Phillip Gregory Noland for Manuel Quinones Delgado (TN); Jose Luis Mendoza substituted (former emp) (Entered: 12/04/2003)
12/04/2003	132	MINUTE ORDER ; possible chg of plea hearing set for 1:30 12/11/03 for Javier Chavez , before Magistrate Judge David K. Duncan [132-3] (former emp) (Entered: 12/04/2003)
12/18/2003	142	ORDER by Judge Frederick J. Martone granting motion to continue sentencing (1st req) [141-2] by Manuel Cardenas sentencing set for 3:30 2/23/04 for Manuel Cardenas (former emp) (Entered: 12/18/2003)
01/12/2004	149	MINUTE ORDER re ; hearing set for 3:00 2/9/04 for Manuel Cardenas on dft's pro se req for new cnsl before Judge Martone [149-1] (former emp) Modified on 03/19/2004 (Entered: 01/12/2004)
01/12/2004	150	ORDER by Judge Frederick J. Martone denying motion to suppress all evidence obtained directly or indirectly as a result of wiretaps ord 10/9/02 and exts thereof (evidentiary hrg req) [120-1] by Joe Gomez, denying motion to suppress evidence (evidentiary hrg req) [119-1] by Juan Carlos Deloera Somoza (former emp) (Entered: 01/12/2004)
01/12/2004	151	ORDER by Judge Frederick J. Martone granting motion to continue sentencing [146-1], granting motion to extend time to file objections [146-2] by Manuel Quinones Delgado sentencing set for 1:30 4/26/04 for Manuel Quinones Delgado ext time to file objs to 14 days after disclosure of rpt to cnsl (former emp) (Entered: 01/12/2004)
01/14/2004	152	ORDER by Mag Judge Lawrence O. Anderson granting motion to continue settlement conf (1st req) [145-1] by Juan Carlos Deloera Somoza ; settlement conference set for 2:00 1/28/04 for Juan Carlos Deloera Somoza , before Mag Judge Lawrence O. Anderson (former emp) (Entered: 01/14/2004)
01/28/2004	155	(FILED: 1/29/04) MINUTES: before Mag Judge Lawrence O. Anderson . . ; settlement conference held as to Joe Gomez; dft arrested 6/13/03; initial appearance on pretrial release violation; dft ord released on \$75,000 property bond w/addtl conds, executed in Denver CO [155-2] (former emp) (Entered: 01/29/2004)
01/29/2004	159	NOTICE re of gov position w/respect to draft presentence investigation rpt by pla as to dft Erika Chavez (former emp) (Entered: 01/30/2004)
02/03/2004	160	NOTICE re dft's position w/respect to draft PSI by dft Erika Chavez (former emp) (Entered: 02/04/2004)

02/05/2004	161	MINUTE ORDER ; possible chg of plea hearing set for 2:30 2/19/04 for Juan Carlos Deloera Somoza , before Magistrate Judge David K. Duncan [161-3] (former emp) (Entered: 02/09/2004)
02/10/2004	163	NOTICE of substitution of attorney for USA : David A Pimsner appears and terminating attorney Steven Paul Logan for USA (former emp) (Entered: 02/11/2004)
02/12/2004	164	MINUTE ORDER ; possible chg of plea hearing set for 10:00 2/23/04 for Joe Gomez , before Magistrate Judge David K. Duncan If cnsl for dft desires to appear telephonically at hrg, he shall obtain local cnsl to attend hrg in person w/dft; local cnsl shall file a limited ntc of appearance in advance of hrg or Mr Shemaria's req for telephonic appearance is denied [164-3] (former emp) (Entered: 02/12/2004)
03/02/2004	180	ORDER by Judge Frederick J. Martone granting motion to continue sentencing (1st req) [178-1] by Manuel Cardenas sentencing set for 3:00 4/27/04 for Manuel Cardenas (former emp) (Entered: 03/02/2004)
03/08/2004	183	(FILED: 3/10/04) MINUTES: before Judge Frederick J. Martone . Ct Rptr: Linda Schroeder-Willis Interpreter: Cristina Sporrer/Spanish. ; sentencing held as to Javier Chavez [183-2] (former emp) (Entered: 03/10/2004)
03/19/2004		APPEAL PACKET forwarded to all parties and 9th Circuit re: [186-1] (REW) (Entered: 03/19/2004)
04/19/2004	193	ORDER by Judge Frederick J. Martone granting motion to continue sentencing [192-1] by Manuel Quinones Delgado, granting motion to extend time to file objections to presentence report [192-2] by Manuel Quinones Delgado sentencing reset for 3:00 5/24/04 for Manuel Quinones Delgado ; objections to the presentence report shall be filed by 4/30/04 (REW) (Entered: 04/19/2004)
04/22/2004	194	MINUTE ORDER sentencing reset for 3:00 6/11/04 for Joe Nicholas Gomez [194-2] (LAD) (Entered: 04/22/2004)
04/27/2004	200	(FILED: 4/30/04) MINUTES: before Judge Frederick J. Martone Ct Rptr: Linda Schroeder-Willis Interpreter: Cristina Sporrer - SPANISH. sentencing held as to Manuel Cardenas [200-2] (LAD) (Entered: 05/04/2004)
04/28/2004	197	ORDER by Judge Frederick J. Martone granting motion to continue sentencing hearing by Juan Carlos Delorea Somoza [196-1] sentencing reset for 2:00 5/26/04 for Juan Carlos Delorea Somoza (REW) (Entered: 04/28/2004)
05/03/2004	204	(FILED: 5/5/04) MINUTES: before Judge Frederick J. Martone Ct Rptr: Linda Schroeder-Willis . granting motion for downward departure by USA as to Erika Chavez [203-1], granting motion to seal this motion and the order by USA as to Erika Chavez [203-2] and departs downward 8 levels pursuant to section 5K1.1; dft's oral motion for dowarnd departure for extreme duress is denied sentencing held [204-2] (LAD) (Entered: 05/03/2004)

		05/07/2004)
05/03/2004	205	JUDGMENT and Commitment issued as to Erika Chavez Erika Chavez (2) count(s) 3. Dismissed upon motion of the USA , sentencing for Erika Chavez (2) count(s) 1. Dft is hereby committed to custody of BOP for a term of 18 mos on count 1; upon release, dft shall be placed on supervised release for a term of 5 yrs on count 1; S/A \$100.00 ; ordered by Judge Frederick J. Martone (LAD) (Entered: 05/10/2004)
05/03/2004	206	PLEA agreement filed as to Erika Chavez (LAD) (Entered: 05/10/2004)
05/26/2004	216	(FILED: 6/1/04) MINUTES: before Judge Frederick J. Martone . Ct Rptr: Linda Schroeder-Willis; . ; sentencing held as to dft Juan Carlos Delorea Somoza see judgment for sentence [216-2] (REW) (Entered: 06/02/2004)
06/08/2004	221	MINUTE ORDER; on court's own motion ; sentencing reset for 3:30 6/29/04 for Joe Nicholas Gomez [221-2] (REW) (Entered: 06/08/2004)
06/29/2004	223	(FILED: 7/6/04) MINUTES: before Judge Frederick J. Martone; Ct Rptr: Linda Schroeder-Willis; ; sentencing held as to dft Joe Nicholas Gomez see judgment for sentencing [223-2] (REW) (Entered: 07/08/2004)
09/07/2007	235	Supervised Release Jurisdiction Transferred to U.S. District Court, Northern District of California as to Erika Chavez. Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. (Attachments: # 1 Letter of Transfer)(KMG) (Entered: 09/11/2007)

PACER Service Center			
Transaction Receipt			
09/11/2007 14:36:09			
PACER Login:	us4935	Client Code:	
Description:	Docket Report	Search Criteria:	2:03-cr-00176-FJM
Billable Pages:	6	Cost:	0.48

I hereby attest and certify on 9/11/07
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my cus-
tody.

CLERK, U.S. DISTRICT COURT
DISTRICT OF ARIZONA

By Kathleen M. Strevan Deputy